

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON,
AMENDING CHAPTER 18.70 MMC MARIJUANA RELATED USES;
ESTABLISHING MINIMUM SEPARATION REQUIREMENTS
BETWEEN MARIJUANA RELATED LAND USES AND PRIVATE
PARKS, RELIGIOUS INSTITUTIONS, AND THE EVERGREEN
STATE FAIRGROUNDS; ENTERING LEGISLATIVE FINDINGS;
PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN
THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, following the passage of Initiative 502 in 2012, the Washington Liquor Control Board is authorized to issue state licenses for marijuana producers, processors and retailers (collectively, “marijuana related uses”) in accordance with the regulations set forth at Chapter 69.50 RCW and Chapter 314-55 WAC; and

WHEREAS, both Chapter 69.50 RCW and Chapter 314-55 WAC prohibit the issuance of state licenses for marijuana related uses that are located within 1,000 feet of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older; and

WHEREAS, Washington municipalities are authorized to adopt and enforce local zoning and land use regulations governing state-licensed marijuana related uses, and the City of Monroe has adopted and codified regulations for such uses at Chapter 18.70 MMC; and

WHEREAS, the City Council desires to amend Chapter 18.70 MMC for the purpose of establishing minimum separation requirements for marijuana producers, processors and retailers additional to those set forth at Chapter 69.50 RCW and Chapter 314-55 WAC, in relation to sensitive land uses where local children and families are likely to be present, including private parks, religious institutions, and the Evergreen State Fairgrounds; and

WHEREAS, such additional separation requirements will serve and promote the public health, safety and welfare by ensuring appropriate buffering between marijuana related uses and the sensitive uses identified above; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN
AS FOLLOWS:

Section 1. Findings. The above recitals, together with the Planning Commission findings dated _____, 2015, are hereby adopted as legislative findings in support of this ordinance. City Council further finds as follows:

- A. The State Attorney General has issued a formal opinion acknowledging and reaffirming municipal zoning authority with respect to state-licensed marijuana uses.
- B. The Planning Commission held a public hearing on the substance of this ordinance on _____, 2014, and recommended adoption by the City Council. The City Council held a public hearing on this ordinance on _____, 2014.
- C. The City is authorized by State law, including but not limited to Chapter 35A.11 RCW, Chapter 35A.63 RCW, and Chapter 36.70A RCW to enact local regulations governing the use of land.
- D. The regulations set forth in this ordinance have been processed and considered by the City in material compliance with all applicable procedural requirements, including but not limited to requirements related to public notice and comment.
- E. All relevant requirements of SEPA have been satisfied with respect to this ordinance.
- F. The City Council has carefully considered, and the regulations set forth in this ordinance satisfy, the review requirements and criteria set forth in Title 18 and Title 21 MMC. In adopting this ordinance, the City considered and was guided by the GMA planning goals set forth at RCW 36.70A.020.
- G. The regulations set forth in this ordinance are consistent with and will implement the City's Comprehensive Plan and meet the requirements and intent of the MMC.
- H. The regulations set forth in this ordinance are beneficial to the public health, safety and welfare, and are in the public interest.

Section 2. Amendment of MMC 18.70.040. Section 18.70.040 of the Monroe Municipal Code is hereby amended to provide in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. Transmittal to Department of Commerce. Pursuant to RCW 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this _____ day of _____, 2015.

CITY OF MONROE, WASHINGTON:

MAYOR, GEOFFREY THOMAS

1st Reading: _____
2nd Reading: _____
Published: _____
Effective: _____

ATTEST/AUTHENTICATED:

CITY CLERK, ELIZABETH M. SMOOT

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
CITY ATTORNEY

SUMMARY OF ORDINANCE NO. _____

of the City of Monroe, Washington

On _____, 2015, the City Council of the City of Monroe, Washington, approved Ordinance No. _____, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING CHAPTER 18.70 MMC MARIJUANA RELATED USES; ESTABLISHING MINIMUM SEPARATION REQUIREMENTS BETWEEN MARIJUANA RELATED LAND USES AND PRIVATE PARKS, RELIGIOUS INSTITUTIONS, AND THE EVERGREEN STATE FAIRGROUNDS; ENTERING LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of _____, 2015.

CITY CLERK, ELIZABETH M. SMOOT

Exhibit A

18.70.040 Marijuana Related Uses

A. The production, processing and retailing of marijuana is and remains illegal under federal law. Nothing herein or as provided elsewhere in the ordinances of the city of Monroe is an authorization to circumvent federal law or provide permission to any person or entity to violate federal law. Only state-licensed marijuana producers, marijuana processors, and marijuana retailers may locate in the city of Monroe and then only pursuant to a license issued by the state of Washington. The purposes of these provisions is solely to acknowledge the enactment by Washington voters of Initiative 502 and a state licensing procedure and to permit to, but only to, the extent required by state law marijuana producers, marijuana processors, and marijuana retailers to operate in designated zones of the city.

B. Marijuana producers may be located only in the general industrial zone of the city. Such facilities and uses may be located only at designated sites licensed by the state of Washington and fully conforming to state law.

C. Marijuana processors may locate in light and general industrial zones of the city, but only at designated sites licensed by the state of Washington and fully conforming to state law.

D. Marijuana retailers may locate only in the general commercial and service commercial zones, at designated sites licensed by the state of Washington and fully conforming to state law.

E. Separate from and additional to the zone-specific restrictions set forth in this section, no marijuana producer, marijuana processor or marijuana retailer may locate within 1,000 feet of the perimeter of the grounds of the following:

1. Any then-existing private park;
2. Any then-existing religious institution; or
3. The Evergreen State Fairgrounds.

The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location of the marijuana producer, marijuana processor or marijuana retailer to the property line of the entities or places listed above.

FF. In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated by the city attorney under the applicable provisions of this code or state law, including but not limited to the provisions of Chapter 1.04 MMC.